

**Enrolled Minutes of the Seventieth Regular or Special Meeting
Of the Twenty-Sixth Highland Town Council
Regular Meeting Monday, December 06, 2010**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 06, 2010 at 6:30 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Brian Novak, and Mark Herak were present. Councilor Dan Vassar was absent owing to work related travel and Councilor Kuiper indicated that he would be delayed owing to illness. Councilor Kuiper arrived at 7:30 p.m. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the request from Thomas Brown for exclusive representation as insurance agent.
3. The Town Council discussed the requests for vacation buy-outs as presented by the several in the Metropolitan Police Department.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 06, 2010 at 7:01 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings.

The session was opened with Councilor Brian Novak leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Brian Novak, and Mark Herak were present. Councilor Dan Vassar was absent owing to work related travel and Councilor Kuiper indicated that he would be delayed owing to illness. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, Jr., CFOD, Fire Chief; and Cecile Petro, Redevelopment Director were also present.

Also present: Dan Dernulc, former Highland Town Councilor and County Councilor-Elect was present.

Minutes of the Previous Session

The minutes of the regular meeting of 15 November 2010 were approved by general consent.

Unfinished Business and General Orders:

1. **Proposed Ordinance No. 1484.1375-P:** An Ordinance to Amend the Ordinance Adopted to Establish the Wage and Salary Rates of the Elected Officers, the Non-Elected Officers, and the Employees of the Town of Highland, Indiana particularly, authorizing and establishing a Change in the Maximum Hours in the Bi-weekly Pay Period that May Be Scheduled and Earned for the Part-Time Inspectors in the Building and Inspection Department. *The ordinance is proposed to make technical corrections related to part-time hours that may be scheduled for inspectors in Building and Inspection.*

Councilor Novak Introduced and filed without further action proposed Ordinance No. 1484.1375-P. There was no further action, as there were only three councilors present at the time the ordinance was introduced. However, Councilor Kuiper arrived at 7:30 p.m. At which time, the Town Council authorized taking up this matter again. (Confer later in the minutes.)

2. **Proposed Ordinance No. 1485:** An Ordinance Authorizing the Town of Highland to Borrow Money and to Issue Tax Anticipation Warrants Therefore for the Year 2011, all pursuant to I.C. 36-5-2-12.

Councilor Zemen Introduced and filed without further action proposed Ordinance No. 1485. There was no further action, as there were only three councilors present at the time the ordinance was introduced. However, Councilor Kuiper arrived at 7:30 p.m. At which time, the Town Council authorized taking up this matter again. (Confer later in the minutes.)

3. **Resolution No. 2010-52:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Metropolitan Police Department of the Corporation General Fund as Requested by the Proper Officer and Forwarded to the Town Council for its Action, pursuant to IC 6-1.1-18-6.

Councilor Zemen moved and Councilor Novak seconded that Resolution No. 2010-52 be passed and adopted. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2010-52**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the METROPOLITAN POLICE DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT to IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Metropolitan Police Department of the Corporation General Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Metropolitan Police Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Metropolitan Police Department

Reduce Account:	#380.06 Service Agreements	\$2,410.00
	#360.01 Equipment Maintenance	<u>\$7,000.00</u>
	<i>Total 300 Series Reductions</i>	\$9,410.00
Increase Account:	#210.04 Institutional Supplies	\$ 250.00
	#230.04 Other Supplies	\$ 250.00
	#220.01 Radio Supplies	\$ 210.00
	#210.01 Gasoline	\$3,700.00
	#220.04 Vehicle Parts	<u>\$5,000.00</u>
	<i>Total 200 Series Increases</i>	\$9,410.00
	Total of All Fund Decreases:	\$9,410.00
	Total of All Fund Increases:	\$9,410.00

DULY RESOLVED and ADOPTED this 6th Day of December 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Resolution No. 2010-53:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Metropolitan Police and the VIPS Departments of the Corporation General Fund as Requested by the Proper Officer and Forwarded to the Town Council for its Action, pursuant to IC 6-1.1-18-6.

Councilor Novak moved and Councilor Zemen seconded the passage and adoption of Resolution No. 2010-53. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2010-53**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the METROPOLITAN POLICE DEPARTMENT and the VOLUNTEERS IN POLICING DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Metropolitan Police Department and the Volunteers in Policing Department of the Corporation General Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That is has been shown that certain existing unobligated appropriations of the **Metropolitan Police Department and the Volunteers in Policing Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Metropolitan Police Department

Reduce Account:	#111.21 Patrolman Salaries	\$53,599.00
	<i>Total 100 Series Reductions</i>	\$53,599.00
Increase Account:	#210.04 Institutional Supplies	\$ 2,322.00
	#230.04 Other Supplies	\$13,247.00
	#220.04 Vehicle Parts	\$ 9,125.00
	#210.02 Tires	<u>\$ 2,000.00</u>
	<i>Total 200 Series Increases</i>	\$26,694.00
Increase Account:	#390.01 Subscription & Dues	\$ 3,455.00
	#380.06 Service Agreements	\$21,302.00
	#320.03 Telephones	<u>\$ 2,148.00</u>
	<i>Total 300 Series Increases</i>	\$26,905.00

CORPORATION GENERAL FUND

Volunteers in Policing Department

Reduce Account:	#111.15 Mechanics	\$ 700.00
	<i>Total 100 Series Reductions</i>	\$ 700.00
Increase Account:	#220.04 Equipment Parts	<u>\$ 700.00</u>
	<i>Total 200 Series Increases</i>	\$ 700.00

Total of All Fund Decreases:	\$54,299.00
Total of All Fund Increases:	\$54,299.00

DULY RESOLVED and ADOPTED this 6th Day of December 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Resolution No. 2010-54:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Municipal Cumulative Capital Development Fund as Requested by the Proper Officer and Forwarded to the Town Council for its Action, pursuant to IC 6-1.1-18-6.

Councilor Novak moved and Councilor Zemen seconded the passage and adoption of Resolution No. 2010-54. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2010-54**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Municipal Cumulative Capital Development Fund;**

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Municipal Cumulative Capital Development Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Reduce Account:	#430.04 Police Furn. & Fixtures	\$4,377.00
	#430.09 Computers	<u>\$4,013.00</u>
	<i>Total 400 Series Reductions</i>	\$8,390.00
Increase Account:	#230.09 PD Bulletproof Vests	<u>\$8,390.00</u>
	<i>Total 200 Series Increases</i>	\$8,390.00
	Total of All Fund Decreases:	\$8,390.00
	Total of All Fund Increases:	\$8,390.00

DULY RESOLVED and ADOPTED this 6th Day of December 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Works Board Order No. 2010-51:** An Order Authorizing and Approving a Seventh change order to the construction Contract SR-31459 related to the Cline Avenue Reconstruction Project, Northern Terminus at Ridge Road and southern Terminus at 45th Avenue, a Federal Aid Highway Project, all pursuant to IC 36-1-12-18.

Councilor Zemen moved and Councilor Novak seconded the passage and adoption of Works Board Order No. 2010-51. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The resolution was adopted.

The Town of Highland
ORDER of the WORKS BOARD NO. 2010-51

AN ORDER AUTHORIZING and APPROVING A SEVENTH CHANGE ORDER to the CONSTRUCTION CONTRACT SR-31459 RELATED to the CLINE AVENUE RECONSTRUCTION PROJECT, NORTHERN TERMINUS AT RIDGE ROAD AND SOUTHERN TERMINUS AT 45TH AVENUE, A FEDERAL AID HIGHWAY PROJECT, ALL PURSUANT TO IC 36-1-12-18

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the **Cline Avenue Reconstruction Project**;

Whereas, In the course of the construction, reconstruction, or repair of the Cline Avenue Reconstruction Project, it has become necessary to change or alter the original specifications of the project;

Whereas, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed addendum to the original construction contract, to be known as the seventh addendum; and

Whereas, Addendum seven adds a net increase in the amount of \$135,281.23 owing to the need to excavate the sub grade material and replace with borrow; and

Whereas, There are sufficient and available appropriations balances on hand to support any additional payments, if required, under the agreement, pursuant to IC 5-22;

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described;

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Seventh Addendum to the Construction Contract **SR-31459** for the **Cline Avenue Reconstruction Project**, as prepared by First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, is hereby determined to be directly related to the original project and is hereby approved, adopted and ratified in each and every respect;

Section 2 That this Seventh Addendum is hereby ordered to be known as **Change Order No. 7**, issued to add net increase to the original agreement in the net increased amount of **one hundred thirty-five thousand, two hundred eighty-one dollars and 23/100 cents (\$135,281.23)**, bringing the total value of the entire agreement with any and all change orders approved to date to four million, three hundred sixteen thousand, eight hundred eighty-seven dollars and fourteen cents (**\$4,316,887.14**) of which twenty percent (20%) is borne locally and eighty-percent (80%) is borne by the Indiana Department of Transportation);

Section 3. That as any additional units of materials included in the original contract become needed, the cost of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original being four million, one hundred forty-five thousand, seven hundred seventy-nine dollars and thirty-one cents (\$4,145,779.31) which may not exceed four million, nine hundred seventy-four thousand, nine hundred thirty-five dollars and seventeen cents (\$4,974,935.17) all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered.

DULY, PASSED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 6th day of December 2010 having passed by a vote of 3 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. Action on the requests for letters of exclusive insurance agent status:
(a) Thomas Brown of Brown Insurance Group seeks to have his exclusive agent/broker of record for Traveler's Restored.

Councilor Novak moved and Councilor Zemen seconded that Tom Brown be authorized and approved to be restored as the exclusive agent of record for the purposes of seeking quotes from Traveler's the Insurance Underwriter. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. Mr. Brown was authorized to be the exclusive agent of record for the purpose of seeking quotes from Traveler's Insurance.

8. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of

the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

8.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$200 for work associated with Highland Grove Mall Special Security.

Councilor Zemen moved and Councilor Novak seconded the approval of overtime payments for R. Potesta as requested by the Metropolitan Police Chief. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The overtime payment for an exempt salaried employee was approved.

9. Action to approve purchase of up to one-week of vacation time in lieu of time off, pursuant to Section §5.02.09 of the Compensation and Benefits Ordinance.

9.1 The Metropolitan Police Chief requests favorable action for P. Hojnicki, at time of request has 10 vacation days, and wishes the Town to purchase 5 days in the amount of \$1,360.77.

9.2 The Metropolitan Police Chief requests favorable action for P. Vassar, at time of request has 5 vacation days, and wishes the Town to purchase these 5 days in the amount of \$1,179.95.

9.3 The Metropolitan Police Chief requests favorable action for R. Potesta, at time of request has 13 vacation days, and wishes the Town to purchase 5 days in the amount of \$1,176.75.

9.4 The Metropolitan Police Chief requests favorable action for G. Georgeff, at time of request has 16 vacation days, and wishes the Town to purchase 5 days in the amount of \$1,179.95.

9.5 The Metropolitan Police Chief requests favorable action for M.O'Donnell, at time of request has 5 vacation days, and wishes the Town to purchase these 5 days in the amount of \$1,118.54.

9.6 The Metropolitan Police Chief requests favorable action for M. Grasch, at time of request has 5 vacation days, and wishes the Town to purchase 4 days in the amount of \$795.36.

9.7 The Metropolitan Police Chief requests favorable action for J. Munoz, at time of request has 14 vacation days, and wishes the Town to purchase 5 days in the amount of \$1,020.44.

9.8 The Metropolitan Police Chief requests favorable action for S.Smith, at time of request has 11 vacation days, and wishes the Town to purchase 5 days in the amount of \$994.20.

9.9 The Metropolitan Police Chief requests favorable action for C.Reno, at time of request has 8 vacation days, and wishes the Town to purchase 5 days in the amount of \$601.20.

9.10 The Metropolitan Police Chief requests favorable action for E.Paul, at time of request has 6 vacation days, and wishes the Town to purchase 2 days in the amount of \$199.68.

Councilor Novak moved to approve the requests as presented for the purchase of up to one week of paid vacation time in lieu of the time off. Councilor Zemen seconded. Upon a roll call vote, there were three affirmatives and no negatives. The motion passed. The vacation purchases were approved.

Comments from the Town Council Members (For the Good of the Order)

- **Councilor Bernie Zemen:** • Park and Recreation Board Liaison • Town Board of Metropolitan Police Commissioners • Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison.

Councilor Zemen further commended the Parks and Recreation Superintendent for the execution of the Thanksgiving Day running race, the Pumpkin Plod. It was noted that there were nearly 900 participants. Councilor Zemen acknowledged the Parks and Recreation Superintendent who noted that there were 7 entries for the annual house holiday decorating contest.

Councilor Zemen acknowledged the Metropolitan Police Chief, who reported that the Metropolitan Police Department conducted a “drug take program”, in which residents are encouraged to turn in out of date prescription drugs for special destruction to prevent abuse and to divert from the wastewater stream. The Metropolitan Police Chief indicated that at the first event approximately 112 pounds of prescription medication was collected. On Saturday December 3rd, a second event was conducted at which 40 lbs were collected along with some older guns and ammunition.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison* • *Traffic Safety Commission Member.*

Councilor Novak acknowledged the Building Commissioner who reported on some pending petitions to be considered by the Advisory Board of Zoning Appeals.

- **Councilor Mark Herak:** • *Town Executive* • *Police Pension Board of Trustees Chair* • *Budget Committee Chair* • *Board of Sanitary Commissioners, Liaison* • *Board of Waterworks Directors, Liaison* • *Community Events Commission, Liaison.*

Council President Herak acknowledged the Redevelopment Director who reported that the Indiana Director of the Main Street program will be in attendance at the next Redevelopment Commission Meeting. It was further noted that the Coastal Grant application was not approved but that the Town was encouraged to apply for one the related smaller grants associated with the program.

Council President Herak acknowledged the Public Works Director who reported on the status of various public works projects.

The Council President also acknowledged Dan Dernulc, former Town Council member and Town Council President, who was recently elected to the Lake County Council. It was noted that it was a position that the Town Council President once held. With leave from the Town Council, County Councilor-elect Dernulc addressed the Town Council, expressing his aspiration to cooperate with the several communities of the Council district as he can.

At this time, Councilor Konnie Kuiper arrived.

Councilor Zemen moved and Councilor Novak seconded that the Town Council now revisit the matter of the proposed Ordinances 1484.1375-P and 1485. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The Ordinances could be revisited. (*Although introduced and filed, the matter was being taken up at the same meeting or same day of introduction. As such, the process would observe the provisions of IC 36-5-2-9.8.*)

1. **Proposed Ordinance No. 1484.1375-P:** An Ordinance to Amend the Ordinance Adopted to Establish the Wage and Salary Rates of the Elected Officers, the Non-Elected Officers, and the Employees of the Town of Highland, Indiana particularly, authorizing and establishing a Change in the Maximum Hours in the Bi-weekly Pay Period that May Be Scheduled and Earned for the Part-Time Inspectors in the Building and Inspection Department. *The ordinance is proposed to make technical corrections related to part-time hours that may be scheduled for inspectors in Building and Inspection.*

Councilor Novak introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1484.1375-P. Councilor Zemen seconded. Upon a roll call

vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Novak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1484.1375-P. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of its introduction.

**ORDINANCE No. 1484.1375-P
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND the ORDINANCE ADOPTED TO ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA, PARTICULARLY, AUTHORIZING AND ESTABLISHING A CHANGE IN THE MAXIMUM HOURS IN THE BI-WEEKLY PAY PERIOD THAT MAY BE SCHEDULED AND EARNED FOR THE PART-TIME INSPECTORS IN THE BUILDING AND INSPECTION DEPARTMENT.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, previously acted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing, by passage and adoption of Ordinance No. 1375;

WHEREAS, The Town Council of the Town of Highland has been advised that modification to certain provisions of Ordinance No. 1375, as amended, would be desirable;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to further modify and fix the compensation of its elected officers, appointed officers and employees of the Town for the year and to further perfect the wage and salary ordinance,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein as follows:

Provision 1. That Section 8 of Ordinance No. 1375 as amended, be repealed in its entirety and replaced with a new section which shall be identified as Section 8 which shall read as follows:

Section 8. That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Building and Inspection Department** as follows:

(a) Supervisory Employees

	Starting Rate	Incumbent Rate
Chief Inspector/Building Commissioner (1)		\$2,225.12 bi-weekly;

(b) Inspection/Enforcement Employees

Assistant Inspectors:

Assistant Inspector for Ordinance Enforcement (part-time)\$10-\$20 per hr.
Assistant Inspector for Electrical (part-time) \$ 20.00 per hr.

Notwithstanding the provisions of Section § 2.05 of the Compensation and Benefits Ordinance, the hourly part-time employees performing enforcement duties are regular part-time employees, however they may regularly work up to 78 hours in a pay period.

Assistant Inspector for Plumbing (part-time)

\$15 for each one-unit plumbing examination proctored as provided in §210.074;

\$21 for each inspection performed as described in § 210.066(G) of the Highland Municipal Code.

(c) Associate Employees and Staff

		Starting Rate	Incumbent Rate
Inspection Secretary	(1)	\$15.12	\$15.12 per hr.
Inspection Clerk	(1)		\$ 7.25 - \$12.50 per hr.

~~The Building Commissioner is authorized for the initial appointment to the newly created position of Inspection Clerk to set the pay from its starting rate up to but not over \$10.00 per hour without additional approval of the Town Council.~~

Provision 2. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Provision 3. (A) That the compensatory time that has been recorded for the hourly part-time employees performing enforcement duties in the Building and Inspection Department is ratified and approved.

(B) That the proper departmental officer shall cause the existing compensatory time recorded for the hourly part-time employees performing enforcement duties in the Building and Inspection Department to be consumed through and until June 30, 2011, provided that any time remaining at that date shall be paid to the particular worker;

(C) That no further compensatory time is authorized for the part-time workers in the Building and Inspection Department.

Introduced and Filed on the 6th day of December 2010. Consideration on same meeting of introduction sustained a vote of 4 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 6th Day of December 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Mark A. Herak, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Proposed Ordinance No. 1485:** An Ordinance Authorizing the Town of Highland to Borrow Money and to Issue Tax Anticipation Warrants Therefore for the Year 2011, all pursuant to I.C. 36-5-2-12.

Councilor Zemen introduced and moved the consideration at the same meeting of introduction of Ordinance No. 1485. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption at the same meeting of introduction of Ordinance No. 1485. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of its introduction.

**TOWN OF HIGHLAND
ORDINANCE No. 1485**

**AN ORDINANCE AUTHORIZING THE TOWN OF HIGHLAND TO BORROW MONEY AND TO ISSUE
TEMPORARY LOAN WARRANTS THEREFORE FOR THE YEAR 2011, ALL PURSUANT TO I.C. 36-5-2-12.**

WHEREAS, The Town Council of the Town of Highland ("Town") hereby finds that an emergency exists for the borrowing of money with which to meet the expenses of said Town that will be incurred at the end of 2010 and in 2011 to be paid from the Town *General Fund*, and the *Parks & Recreation Fund*, all of said Town, which expenses must be met prior to the receipt of the final settlement and distribution of taxes for the year 2009, collectible in the year 2010 as well as taxes for the year 2010 collectible in the year 2011 and thereafter;

WHEREAS, The Clerk-Treasurer has presented to the Town Council a recommendation that the Town issue temporary loans in the amount not to exceed **\$2,950,000** for the *General Fund* and the *Parks & Recreation Fund*, in the amounts and subject to the terms hereinafter set forth:

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Town Council of the Town of Highland, Indiana ("Town"), as follows:

Section 1. That the Town issue temporary loans for and on behalf of the General Fund and the Parks & Recreation Fund in the aggregate principal amount not \$2,950,000. The loans shall be used for meeting expenses of the Town included in the regular budget and appropriations adopted for the years 2010 and 2011 which expenses must be met prior to the receipt of the final settlement and distribution of taxes for the year 2011, including but not limited to the refinancing of warrants for such funds that will mature in 2010.

Section 2. That such temporary loan shall be evidenced by warrants of the Town dated as of the date of delivery thereof, bearing interest at a rate not to exceed **6% per annum** (the exact rate to be determined by bids), which interest shall be payable at the time of the final payment of the principal of said warrants and said warrants shall mature and be payable as follows:

<u>FUND</u>	<u>TOTAL</u>	<u>MATURING</u>
General	\$ 2,650,000	December 30, 2011
Parks & Recreation	\$ 300,000	December 30, 2011

Section 3. That interest shall be calculated on a **365-day basis**. A sufficient amount of the revenues of the Town to be derived from the Town General and the Parks & Recreation Funds' levy is hereby appropriated and pledged for the payment of the principal amount of said warrants to be issued at maturity on account of the taxes for the year 2009, collectible in the year 2010 as well as taxes for the year 2010, collectible in the year 2011 and thereafter, and a sufficient amount of the revenues of the Town to be derived from such Funds are hereby appropriated and pledged for the payment of interest on said warrants at maturity.

Section 4. That the Clerk-Treasurer of said Town is hereby authorized and directed to pay the principal amount of the warrants from the tax revenues of each fund and the interest on the warrants from the designated Fund upon the presentation thereof at or after maturity. *The warrants will be delivered on or about December 28, 2010.*

Section 5. That said warrants shall be signed by the President of the Town Council and the seal of the Town shall be affixed thereto and attested by the signature of the Clerk-Treasurer of the Town.

Section 6. That said warrants shall be payable at the office of Clerk-Treasurer of the Town. Said warrants shall, on the face thereof, indicate that they are issued for the Town General and the Parks & Recreation Funds and payable out of the respective Fund's revenues.

Section 7. That said warrants shall be issued in substantially the following form, all blanks to be properly filled in prior to delivery, to-wit:

No. ____

UNITED STATES OF AMERICA
STATE OF INDIANA COUNTY OF LAKE

TOWN OF HIGHLAND, INDIANA
TEMPORARY LOAN WARRANT
_____ FUND

FOR VALUE RECEIVED, The Town of Highland, Indiana, will pay to _____ at the office of the Clerk-Treasurer, Lake County, Indiana, on December 30, 2011, the sum of _____ Dollars (\$_____) with interest thereon, at the rate of _____% per annum, computed from the date hereof to the date of maturity, calculated on a 365-day basis.

This warrant evidences a temporary loan aggregating _____ (_____) authorized by Ordinance passed and adopted by the Town Council of Highland, Indiana on _____, and in accordance with Indiana Code, Article 36, Title 5, Chapter 2, and all other acts amendatory thereof or supplemental thereto, for the purpose of procuring a temporary loan for the _____ Fund of said Town.

This warrant is issued in anticipation of the tax levies made for the _____ Fund in the year 2009, collectible in the year 2010 as well as in the year 2010 collectible in the year 2011 and thereafter, which tax levies are now in the course of collection for the payment of the principal amount and the interest thereon, a sufficient amount of the revenues to be derived from the _____ Fund levy, has been and is hereby appropriated and pledged.

This temporary loan warrant has been designated as a qualified obligation pursuant to Section 265(b)(3) of the Internal Revenue Code.

It is hereby certified that in the execution of this warrant, all provisions of the Constitution and the Statutes of the State of Indiana relating thereto have been complied with, that the _____ Fund tax levy from which the principal amount of and interest on this warrant is payable, together with other revenues in that Fund, is a valid and legal levy; and that said Town will reserve a sufficient amount in the _____ Fund for the payment of the principal of and interest on this warrant.

IN WITNESS WHEREOF, the Town of Highland, Indiana, has caused this warrant to be signed in its name by the President of the Town Council and attested by the Clerk-Treasurer as of the ____ day of December, 2010.

TOWN OF HIGHLAND, INDIANA

{SEAL}

By: _____
President of the Town Council
Town of Highland, Indiana

Attest:

Clerk-Treasurer
Town of Highland, Indiana

*** End of Form of Warrant***

Section 8 The Clerk-Treasurer shall cause to be published a Notice of such sale in accordance with legal requirements. The Notice shall state the time and place of sale, the total amount thereof, the time of payment, the terms and conditions on which bids shall be received and the sale made, and such other information as the Clerk-Treasurer shall determine necessary or appropriate to inform prospective bidders.

Section 9. Bidders shall **not** submit a good faith deposit.

Section 10. The Town Council hereby authorizes the Clerk-Treasurer to receive and open the bids and upon compilation of the bids, to award the warrants to the bidder providing the lowest interest cost, after deducting therefrom the premium bid if any. All bids shall be not less than par.

Section 11. The Clerk-Treasurer shall have full right to reject any and all bids and to waive any informalities.

Section 12. That in order to preserve the exclusion of interest on any tax exempt series of warrants from gross income for Federal income tax purposes and as an inducement to purchasers of the warrants, the Town represents, covenants and agrees that:

(a) No person or entity, other than the Town or another governmental unit, will use proceeds of the warrants or property financed by the warrant proceeds other than the Town or another governmental unit will own property financed by warrant proceeds or will have actual or beneficial use of such property pursuant to a lease, a

management or incentive payment contract or to any other type or arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

(b) No warrant proceeds will be loaned to any entity or person. No warrant proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the warrant proceeds.

(c) The Town will, to the extent necessary to preserve the exclusion of interest on the tax-exempt warrants from gross income for federal income tax purposes, rebate all required arbitrage profits on warrant proceeds or other monies treated as warrant proceeds to the federal government as provided in Section 148 of the Internal Revenue Code of 1986, and will set aside such monies in a Rebate Account to be held by the Clerk-Treasurer in trust for such purpose.

(d) The Town will file an information report with the Internal Revenue Service as required by Section 149 of the Internal Revenue Code of 1986.

(e) The Town will not take any action nor fail to take any action with respect to the warrants that would result in the loss of the exclusion from gross income for federal income tax purposes of interest on the tax-exempt warrants pursuant to Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the warrants, nor will the Town act in any other manner which would adversely affect such exclusion.

Section 13. That the Town represents that tax-exempt obligations issued by or on behalf of it and any entity subordinate to it in the calendar year 2010 will not exceed **\$30,000,000** and that there are no entities to which it is subordinate. The Town hereby designates the warrants as qualified obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

Section 14. That all ordinances in conflict with this one are hereby repealed and have no further force or effect.

Introduced and Filed on the 6th day of December 2010. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 6th Day of December 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Comments from the Public or Visitors

1. Rick Volbrecht, 9221 Parkway Drive, Highland, commended Mr. Dan Dernulc on his recent election. Mr. Volbrecht reminded Mr. Dernulc of his promise not to support any county option income tax. Mr. Volbrecht expressed his opposition to a county income tax.

Payment of Accounts Payable Vouchers. Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period November 16, 2010 through to December 06, 2010. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$275,688.99; Motor Vehicle Highway and Street (MVH) Fund, \$39,592.74; Local Road and Street Fund, \$84,159.78; VIPS/Parks Public Safety Fund, \$1,869.97; Law Enforcement Continuing Education, Training and Supply Fund, \$1,175.93; Capital Projects Retainage Fund, \$52,988.14; Flexible Spending Account Agency Fund, \$3,333.27; Insurance Premium Fund, \$ 121,099.50; Gasoline Payment fund, \$1,413.32; Information and Communications Technology Fund, \$5,694.86; Solid Waste District Grant Fund, \$32.84; Civil Donation Fund, \$1,181.46; Special Events Non Reverting Fund, \$6,700.61; Select

Centennial Commission Fund, \$39.25; Police Pension Fund, \$59,102.92; Municipal Cumulative Capital Development Fund, \$3,010.00; Traffic and Law Violations Fund, \$8,083.50; Safe Neighborhood Grant Fund, \$1,753.80; Sexual Predator Grant Fund, \$5,527.64; Gaming Revenue Sharing Fund, \$13,212.00; Corporation Capital Fund, \$121,975.80; Payroll Fund, \$12.03; Total: \$807,648.35.

Adjournment. Councilor Kuiper moved that the regular meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, December 06, 2010** was adjourned at 7:42 O'clock p.m.

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, December 06, 2010 at 7:52 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Konnie Kuiper and Mark Herak were present. Councilor Dan Vassar was absent owing to work related travel and Councilor Novak departed in order to meet a work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Peter Hojnicki Metropolitan Police Chief, was present also.

General Substance of Matters Discussed.

1. The Town Council and the Metropolitan Police Chief discussed a requested modification to the current language in the Compensation and Benefits Ordinance (Employee Handbook) regarding scheduling of vacations. The language currently reads:

§ 5.02.11 Scheduling of Vacations

We will, to the extent possible, schedule vacation periods at times most desired by you. Employee requests for vacation dates, which are submitted to the Town by December 31st of each year, will be handled based upon seniority if conflicts arise. After December 31st vacation dates will be approved on a first-come first-served basis. You are asked to request vacation at least 90 days in advance whenever possible. Advance scheduling gives you the best opportunity of receiving the vacation days you desire.

The Metropolitan Police Chief requested that the language be altered to allow the Police Department to use rank as a basis rather than seniority only as a basis for scheduling vacations. The discussion included consideration of the competing merits of seniority based versus rank based prioritizing of these schedules.

2. The Town Council discussed the request from the Metropolitan Police Chief on authorizing n advance payment to be made for a two-police vehicle lease purchase, authored by Works Board Order No. 2010-36, in the current calendar year from identified proceeds, rather than wait for the first payment period of June 15, 2011. The discussion of the matter and the rationale for such a prepayment, financed by the Municipal Cumulative Capital Development Fund, was not determinative regarding what action the Town Council would take. The discussion of the advantages did suggest that there was no prepayment penalty and there would be a lower interest cost possibly by an earlier payment. It was not clear if proceeds appropriated in FY 2011 would be used for advancing remaining payments leading to an early purchase.

There being no further matters to discuss, the post plenary meeting Study Session of the Twenty-sixth Town Council of Highland, convened on Monday, December 06, 2010, was adjourned at 8:15 O'clock P.M

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer